

UNITED STATES DISTRICT COURT

for the
Middle District of North Carolina

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

IN RE INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNT
<https://www.facebook.com/dolque.johnson>

Case No. 1:24MJ

56

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A.

located in the Northern District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B.

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
☐ contraband, fruits of crime, or other items illegally possessed;
☐ property designed for use, intended for use, or used in committing a crime;
☒ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section
18 U.S.C. § 3146(a)(2)

Failure to surrender

Offense Description

The application is based on these facts:
See attached affidavit.

☒ Continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

/s/ Matthew Little

Applicant's signature

Matthew Little, Deputy United States Marshal

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
(specify reliable electronic means).

Date:

02/09/24

Judge's signature

City and state: Greensboro, North Carolina

Honorable L. Patrick Auld

Printed name and title

ATTACHMENT A

Property to Be Searched

This warrant applies to information associated with Facebook account <https://www.facebook.com/dolque.johnson> that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc., a company headquartered in Menlo Park, California.

ATTACHMENT B

Particular Things to be Seized

I. Information to be disclosed by Meta Platforms, Inc. ("Meta")

To the extent that the information described in Attachment A is within the possession, custody, or control of Meta, regardless of whether such information is located within or outside of the United States, including any messages, records, files, logs, or information that have been deleted but are still available to Meta, or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Meta is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All contact and personal identifying information, including **for user IDs: <https://www.facebook.com/dolque.johnson>** full name, user identification number, birth date, gender, contact e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers.
- (b) All activity logs for the account and all other documents showing the user's posts and other Facebook activities **from January 1, 2023 to present;**
- (c) All photos and videos uploaded by that user ID and all photos and videos uploaded by any user that have that user tagged in them

from January 1, 2023 to present, including Exchangeable Image File (“EXIF”) data and any other metadata associated with those photos and videos;

- (d) All profile information; News Feed information; status updates; videos, photographs, articles, and other items; Notes; Wall postings; friend lists, including the friends’ Facebook user identification numbers; groups and networks of which the user is a member, including the groups’ Facebook group identification numbers; future and past event postings; rejected “Friend” requests; comments; gifts; pokes; tags; and information about the user’s access and use of Facebook applications;
- (e) All records or other information regarding the devices and internet browsers associated with, or used in connection with, that user ID, including the hardware model, operating system version, unique device identifiers, mobile network information, advertising ID, and user agent string;
- (f) All other records and contents of communications and messages made or received by the user **from January 1, 2023 to present**, including all Messenger activity, private messages, chat history, video and voice calling history, and pending “Friend” requests;
- (g) All “check ins” and other location information;

- (h) All IP logs, including all records of the IP addresses that logged into the account;
- (i) All records of the account's usage of the "Like" feature, including all Facebook posts and all non-Facebook webpages and content that the user has "liked";
- (j) All information about the Facebook pages that the account is or was a "fan" of;
- (k) All past and present lists of friends created by the account;
- (l) All records of Facebook searches performed by the account **from January 1, 2023 to present**;
- (m) All information about the user's access and use of Facebook Marketplace;
- (n) The types of service utilized by the user;
- (o) The length of service (including start date) and the means and source of any payments associated with the service (including any credit card or bank account number);
- (p) All privacy settings and other account settings, including privacy settings for individual Facebook posts and activities, and all records showing which Facebook users have been blocked by the account;

- (q) Records of any Facebook accounts that are linked to the account by machine cookies (meaning all Facebook user IDs that logged into Facebook by the same machine as the account); and
- (r) All records pertaining to communications between Meta and any person regarding the user or the user's Facebook account, including contacts with support services and records of actions taken.

Meta is hereby ordered to disclose the above information to the government within seven days of issuance of this warrant.

II. Information to be seized by the government

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of 18 U.S.C. §§ 3146 (a)(2) and (b)(1)(A)(i) involving Ben Earl-Junior Johnson since from January 1, 2023 to present, including, for the user ID identified on Attachment A, information pertaining to the following matters:

- (a) Records, including messages and communications, referencing or revealing JOHNSON's whereabouts or JOHNSON's attempts or plan to evade detection and arrest.
- (b) Evidence indicating how and when the Facebook account was accessed or used at the time of the creation or accessing of records subject to seizure under this warrant, to determine the chronological and geographic context of account access, use, and events relating to the crime under investigation and to the Facebook account owner; and
- (c) The identity of the person(s) who created or used the user ID, including records that help reveal the whereabouts of such person(s).

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNT
<https://www.facebook.com/dolque.johnson>
THAT IS STORED AT PREMISES
CONTROLLED BY META
PLATFORMS, INC.

Case No. 1:24MJ 56

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Matthew Little, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a Facebook account with username Dolque.Johnson, <https://www.facebook.com/dolque.johnson>, (the Subject Account), that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. ("Meta"), a company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the government

records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. I am a Deputy United States Marshal (DUSM) with the United States Marshals Service (USMS) and have been so employed since July 2010. Prior to my employment with the USMS, I graduated from Central Connecticut State University with a degree in Criminology. As a DUSM, I have conducted hundreds of fugitive investigations resulting in the arrests of both federal and state fugitives. I am currently assigned to the Carolina Regional Fugitive Task Force (CRFTF), and I am responsible for apprehending federal fugitives whose arrest warrants have been delegated to the United States Marshals Service for apprehension purposes. Through formal and on the job training, I have developed experience in fugitive investigations, including the use of social media data in locating information to locate and apprehend fugitives.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of 18 U.S.C. §§ 3146 (a)(2) and (b)(1)(A)(i) (failure to surrender)

have been committed by Ben Earl-Junior JOHNSON. There is probable cause to search the information described in Attachment A for evidence of this crime as described in Attachment B. And there is also probable cause to believe that the location information described in Attachment B will assist law enforcement in arresting JOHNSON, who is a “person to be arrested” within the meaning of Federal Rule of Criminal Procedure 41(c)(4).

PROBABLE CAUSE

4. The United States government, including the United States Marshals Service, is conducting a criminal investigation to locate and arrest Ben JOHNSON. The government is also investigating JOHNSON for new violations of federal law including violations of 18 U.S.C. §§ 3146 (a)(2) and (b)(1)(A)(i) (failure to surrender).

5. On September 26, 2023, The Honorable Catherine C. Eagles sentenced JOHNSON to 97 months of imprisonment after JOHNSON pleaded guilty to passing a fictitious instrument, in violation of 18 U.S.C. § 514. *See* 1:22CR112-1 (M.D.N.C.). JOHNSON was initially directed to report to the United States Marshal or designated institution at noon on November 7, 2023. On November 2, 2023, counsel for JOHNSON filed a motion asking for an extension of Johnson’s report date to December 7, 2023, noting that JOHNSON had not yet received a designation. The court granted the motion and directed JOHNSON to report by December 7, 2023, or earlier if a

designation was received.

6. JOHNSON did not surrender to begin his federal sentence, however, and remains a fugitive. On December 11, 2023, the district court issued an order and warrant for JOHNSON's arrest, directing that JOHNSON be transported directly to the Federal Bureau of Prisons upon arrest. Deputies with the United States Marshals Service are now actively looking for JOHNSON and investigating JOHNSON for violations of 18 U.S.C. §§ 3146 (a)(2) and (b)(1)(A)(i) (failure to surrender), among other potential violations of federal criminal law.¹

7. Between December 2023 and January 2024, JOHNSON, or someone acting on his behalf, mailed documents to the United States Attorney for the Middle District of North Carolina, the Federal Bureau of Investigation, and the United States Marshals Service. The documents, which are unintelligible, at best, appear to be an attempt to get all parties to drop JOHNSON's charges and release him from his term of imprisonment. A screen shot of a page of the multi-page packet is shown below.

¹ There is also probable cause to believe that JOHNSON is violating 18 U.S.C. § 1519 (making a false document to obstruct the proper administration of justice) by sending, or directing someone else to send, false documents to impede and obstruct the investigation concerning his arrest, as further described below.

RELEASE OF PERSONAL PROPERTY FROM ESCROW

Whereas Ben Earl Junior, Johnson , of NORTH CAROLINA 13267087631 , by a bond
(Name) (Place of Residence)
for the performance of U.S. Government Contract Number 245-19-5353 ,
became a surety for the complete and successful performance of said contract, and Whereas said
surety has placed certain personal property in escrow

in Account Number 1.22CR112-1 on deposit

at Catrina A. Thompson d/b/a Marshals Service, United States
(Name of Financial Institution)

located at 324 W. Market Street Greensboro, North Carolina 27401-2544 U.S.A , and
(Address of Financial Institution)

Whereas I, Catrina A. Thompson , being a duly authorized
representative of the United States government as a warranted contracting officer, have determined
that retention in escrow of the following property is no longer required to ensure further performance
of the said Government contract or satisfaction of claims arising therefrom:

SEE STANDARD FORM 28 Affidavit of Individual Surety WITH SIX ATTACHMENTS ATTACHED.
SEE STANDARD FORMS 1416 Payment Bond For Other Than Construction Contracts AND
AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT ATTACHED.
SEE MASTER POWER(S) AND ATTORNEY-IN-FACT AND SOURCE CONFIRMATION ATTACHED

and

Whereas the surety remains liable to the United States Government for the continued performance of
the said Government contract and satisfaction of claims pertaining thereto.

Now, therefore, this agreement witnesseth that the Government hereby releases from escrow the
property listed above, and directs the custodian of the aforementioned escrow account to deliver the
listed property to the surety. If the listed property comprises the whole of the property placed in
escrow in the aforementioned escrow account, the Government further directs the custodian to close
the account and to return all property therein to the surety, along with any interest accruing which
remains after the deduction of any fees lawfully owed to

Catrina A. Thompson d/b/a Marshals Service, United States .
(Name of Financial Institution)

[Date]
01/12/2024

Linda Mensah
AUTHORIZED FOR LOCAL REPRODUCTION



[Signature] Ben Earl Junior Johnson
Seal



OPTIONAL FORM 91 (1-90)
Prescribed by GSA-FAR (48 CFR) 53.229(c)

8. On January 18, 2024, Deputy U.S. Marshal Andrew Smith interviewed Linda Mensah the notary on the above document. Ms. Mensah explained that a woman (whom I believe to be the defendant's wife Danyielle Johnson) came into her store to get the documents notarized. Ms. Mensah

stated that the woman was on a video call with JOHNSON during a prior meeting on December 20, 2023. During this meeting JOHNSON told Ms. Mensah that he was granting the woman power of attorney because he was “deployed.” JOHNSON was dressed in camouflage.

9. During the investigation into the whereabouts of JOHNSON, DUSM LITTLE served Verizon Wireless a subpoena for records for JOHNSON’s known telephone number 336-451-1257. Records obtained from Verizon Wireless show that the cellphone service was disconnected on January 18, 2024.

10. The United States Marshals Service believes that JOHNSON is using the Subject Account. On February 6, 2024, the undersigned conducted an online search for publicly viewable social media accounts belonging to Johnson. I determined that Johnson had a Facebook account with the profile name Dolque Johnson. In a review of the Subject Account, I recognized the profile picture as a photo of Ben JOHNSON. A review of the Subject Account showed that the Subject Account has pictures with comments and likes from members of Johnson’s family. The Subject Account is also “friends” with known family members, significant others, and/or other associates of Ben Johnson.

11. On February 7, 2024, I again reviewed the Subject Account. The Subject Account’s number of “friends” had increased, indicating that the

Subject Account was being actively used.

12. Based on my training and experience, I understand that people often used Facebook, and specifically Facebook's messaging capabilities, to communicate with others. Often people use this means of communication when they do not have an active cell phone or cell phone number and when they are trying to avoid detection. It appears that JOHNSON is dropping phone numbers to avoid detection but meanwhile actively using a Facebook account where his name is listed as "Dolque." JOHNSON also appears to be in active communication with his wife, Danyielle Johnson. Accordingly, there is probable cause to believe that evidence of JOHNSON's whereabouts and his attempts to avoid detection and submit fraudulent documentation to obstruct justice will be found in the Subject Account.

BACKGROUND CONCERNING FACEBOOK²

13. Meta owns and operates Facebook, a free-access social networking website that can be accessed at <http://www.facebook.com>. Facebook users can use their accounts to share communications, news,

² The information in this section is based on information published by Meta on its Facebook website, including, but not limited to, the following webpages: "Privacy Policy," available at <https://www.facebook.com/privacy/policy>; "Terms of Service," available at <https://www.facebook.com/legal/terms>; "Help Center," available at <https://www.facebook.com/help>; and "Information for Law Enforcement Authorities," available at <https://www.facebook.com/safety/groups/law/guidelines/>.

photographs, videos, and other information with other Facebook users, and sometimes with the general public.

14. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user's full name, birth date, gender, e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

15. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

16. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts.

By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

17. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

18. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can “tag” other

users in a photo or video and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

19. Facebook users can use Facebook Messenger to communicate with other users via text, voice, video. Meta retains instant messages and certain other shared Messenger content unless deleted by the user, and also retains transactional records related to voice and video chats. Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

20. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

21. Each Facebook account has an activity log, which is a list of the user's posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as "liking" a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user's Facebook page.

22. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

23. In addition to the applications described above, Meta provides users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

24. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user’s IP address is retained by Meta along with a timestamp.

25. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables “Location History,” “checks-in” to an event, or tags a post with a location.

26. Social networking providers like Meta typically retain additional information about their users’ accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such

as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

27. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the “who, what, why, when, where, and how” of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This “user attribution” evidence is analogous to the search for “indicia of occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location

associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner's state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner's motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

28. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

29. I anticipate executing this warrant under the Electronic Communications Privacy Act, in particular 18 U.S.C. §§ 2703(a),

2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

CONCLUSION

30. Based on the foregoing, I request that the Court issue the proposed search warrant.

31. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

32. This Court is a “court of competent jurisdiction” under 18 U.S.C. §§ 2703(d) and 3122(a)(2) because it “has jurisdiction over the offense being investigated,” 18 U.S.C. §§ 2711(3)(A)(i) and 3127(2)(A)(i).

Respectfully submitted,

/s/ Matthew Little

Matthew Little

Deputy United States Marshal

United States Marshals Service

Subscribed and sworn to before me on attest via telephone 02/09, 2024



The Honorable L. Patrick Auld
United States Magistrate Judge